

REMARKS

Original claims 26-45 have been withdrawn from consideration. By this amendment, claims 1, 5 and 24 are amended and claims 46-48 are added. The claims have been amended to clarify the subject matter of the invention. No new matter is added.

Applicant gratefully acknowledges the indication that claims 9, 12, 13 and 18-24 would be allowable if rewritten to overcome the rejection(s) under 5 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claims and any intervening claims.

The Office Action rejects claims 1-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In regard to claim 1, the Office Action states that the phrase “a pump mechanically connected to supplied by said water source” and the phrase “a vehicle wash structure supplied by said pump” constitute indefinite subject matter. In regard to claim 5, the Office Action states that the term “a vacuum” constitutes indefinite subject matter. In regard to claim 24, the Office Action states that the phrase “attachment areas wash support equipment shelving” is not readily ascertainable. The Office Action notes that claims 2-4, 6-23 and 25 are rejected because of their dependency on the rejected base claims. The rejection is respectfully traversed.

Claim 1 has been amended to clarify that the pump is mechanically connected to the water source and the vehicle wash structure is supplied with water by the pump.

Claim 5, has been amended to clarify that the vacuum is a vacuum-creating device.

Claim 24 has been amended to clarify that the attachment areas are useable for attaching

wash support equipment shelving. Withdrawal of the rejection of claims 1-25 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action rejects claims 1, 2 and 11 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3, 567,342 to Jackson. The rejection is respectfully traversed.

Claim 1 has been amended to recite “[a]n apparatus for a mobile self-contained vehicle wash including: a trailer towable by a motor vehicle; a water source contained within said trailer; a pump mechanically connected to said water source wherein said pump is located within said trailer; and a vehicle wash structure whereby said vehicle wash structure in a disassembled form is enclosed within said trailer and whereby said wash structure in an assembled form is useable as a vehicle wash outside of said trailer and supplied with water by said pump located within said trailer.”

Jackson discloses a mobile cleaning unit for providing a high pressure cleaning spray, comprising a van-type vehicle with a water storage tank, an apparatus for selectively mixing liquid cleaner, and power spraying equipment. However, Jackson does not disclose a mobile self-contained vehicle wash including a trailer towable by a motor vehicle. Jackson’s mobile cleaning unit uses a van-like vehicle (or truck). It is respectfully submitted that this van-like vehicle or truck is substantially different from a “trailer towable by a motor vehicle,” as recited in claim 1.

The Office Action points to col. 1, lines 29-32 and the paragraph bridging paragraphs 2 and 3, of Jackson, for the trailer feature, but these portions of the text do not disclose a “trailer towable by a motor vehicle.” Furthermore, col. 2, lines 34-37 disclose that the required apparatus is “arranged within a load carrying portion of the van or

truck...”. It is respectfully submitted that a trailer towable by a motor vehicle is neither a van-like vehicle nor a truck.

Because the cited reference fails to disclose one or more feature of claim 1, this reference would not have anticipated the subject matter of claim 1. Furthermore, it is respectfully submitted that since claims 2 and 11 depend from claim 1, these claims are likewise patentable. Accordingly, withdrawal of the rejection of claims 1, 2 and 11 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action rejects claim 4 under U.S.C. §103(c) over Jackson in view of U.S. Patent No. 5,936,531 to Powers. The rejection is respectfully traversed.

Claim 4 recites that the apparatus for a mobile self-contained vehicle wash further includes “a heat sensor wherein said heat sensor shuts down power at a circuit breaker box within said trailer.”

Powers teaches a heat sensor positioned in a cabinet that detects the rise in temperature in a cabinet.

It is respectfully submitted that Powers fails to make up for the deficiencies of Jackson. Accordingly, Powers and Jackson, either alone or in combination, would not have rendered obvious the subject matter of claim 4. Withdrawal of the rejection of claim 4 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 1, 3, 6-8, 10 and 17 under U.S.C. §103(c) over U.S. Patent No. 5, 911, 230 to Kurz et al. (hereinafter Kurz) in view of U.S. Patent No. 4,213,796 to Shaffer. The rejection is respectfully traversed.

Kurz discloses an apparatus for treating an article, for example a car, comprising a treatment bridge with a head beam which is arranged above the article and two side

beams which are arranged at the sides of the article and extend transversely to the head beam, and delivery devices which are arranged on the beams for directing at least one treating agent at the article. The apparatus can be folded up for transport onto a flatbed truck, as shown, for example, in Figure 1.

In rejecting claims 1, 3, 6-8, 10 and 17, the Office Action identifies Kurz's "treatment device" as the vehicle wash structure claimed in the instant application. However, this "treatment device" is not shown or described being in a disassembled form, as claim 1 defines the vehicle wash structure. That is, the reference shows that the apparatus for treating an article itself can be folded up and loaded onto a flatbed truck, but there is no disclosure for the treatment device portion of the apparatus being in a disassembled form. Furthermore, the treatment device is not "enclosed within said trailer," as required by claim 1. To be enclosed within the trailer (i.e., the flatbed) would not be possible since items are merely placed on the flatbed and not within an interior area.

The Office Action acknowledges that Kurz does not specifically name the structural elements of his mobile apparatus, such as a water pump, a power generator with an independent source of power, a power wash generator and a hand held sprayer. The Examiner asserts that these elements are conventionally utilized in mobile treatment apparatuses for vehicle washing/cleaning. Shaffer is relied upon to make up for the deficiency of Kurz. Shaffer discloses a mobile cleaning unit for providing a high pressure cleaning spray, comprising a van-type vehicle with separate sources of water, treating and cleaning solutions.

The Examiner fails to explain how the elements in Shaffer could be incorporated into the apparatus of Kurz. It is not clear, for example, how all of the items could fit into the apparatus of Kurz. It would appear that the arrangement shown in Shaffer is suitable only for a van-like enclosure, not the foldable type of structure disclosed in Kurz. It is respectfully submitted that the Examiner has not shown how Kurz and Shaffer could be combined in the asserted manner.

Furthermore, the claims require that the vehicle wash structure be “supplied with water by said pump located within said trailer”. As mentioned, the flatbed described in Kurz does not have an enclosure. Thus, Kurz does not disclose a vehicle wash structure “supplied by said pump located within said trailer,” as recited in claim 1. Thus, for this additional reason, the references could not have been combined in the asserted manner.

Because the cited references fail to disclose one or more feature of claim 1, these reference would not have rendered obvious the subject matter of claim 1. Furthermore, it is respectfully submitted that since claims 3, 6-8, 10 and 17 depend from claim 1, these claims are likewise patentable. Withdrawal of the rejection of claim 1, 3, 6-8, 10 and 17 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 22-24 under U.S.C. §103(a) over Kurz in view of Shaffer and in further view of U.S. Patent 4,279,263 to Pulliam. The rejection is respectfully traversed.

Claim 22 sets forth that wash structure further includes corner pieces wherein said corner pieces provide attachment areas for a covering canvass. Claim 23 recites that the corner piece further provides support for wash piping of said vehicle wash structure.

Claim 24 recites that the corner piece further includes attachment areas for attaching wash support equipment shelving.

Pulliam discloses an apparatus for cleaning such things as meat utensils, market baskets or the like, which is portable and collapsible into a compact form for transportation or storage, and which recycles and retains the cleaning materials for subsequent disposal in a non-polluting manner.

The Office action acknowledges that the combined teaching of Kurz and Shaffer remains silent about corner piece attachments for a covering canvass. Pulliam is relied upon to make up for the deficiency. However, the Examiner fails to point out any disclosure for corner pieces that “provide attachment areas for a covering canvass,” as recited in claim 22. Furthermore, the reference fails to disclose that the corner piece further “provides support for wash piping of said vehicle wash structure,” as recited in claim 23. Additionally, the reference fails to disclose that the corner piece further “includes attachment areas for attaching wash support equipment shelving,” as recited in claim 24.

Because the cited references fail to disclose one or more feature of claim 22-24, these reference would not have rendered obvious the subject matter of claims 22-24. Withdrawal of the rejection of claim 22-24 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claim 25 under 35 U.S.C. §103(a) over Kurz and Shaffer in view of Pulliam and in further view of U.S. Patent No. 5,924,759 to DeMonte et al. (hereinafter DeMonte). The rejection is respectfully traversed.

Claim 25 recites that the corner piece further includes a guide mechanism where said guide mechanism allows roller operation of end canvass closures of said vehicle wash structure.

DeMonte discloses a retractable enclosure system for covering a bed of a vehicle, which includes a number of generally U-shaped bows for supporting a flexible cover, and elongate rails provided along each side of the bed. The rails each have a flat uppermost surface along which the bows move to extend or collapse the flexible cover.

It is respectfully submitted that DeMonte fails to make up for the deficiencies of Kurz, Shaffer and Pulliam. Accordingly, Kurz, Shaffer, Pulliam, and DeMonte, either alone or in combination, would not have rendered obvious the subject matter of claim 25. Withdrawal of the rejection of claim 25 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 5 and 14-15 under 35 U.S.C. §103(a) over Kurz and Shaffer in view of Pulliam and in further view of U.S. Patent No. 5,423,339 to Latimer. The rejection is respectfully traversed.

Claim 5 recites that the apparatus further includes a vacuum -creating device whereby said vacuum-creating device supports a vacuuming operation within said vehicle wash structure. Claim 14 recites a tributary tank wherein said tributary tank holds waste water produced from said vehicle wash structure. Claim 15 sets forth a plurality of filters wherein said filters recycle waste water contained and drawn from said tributary tank.

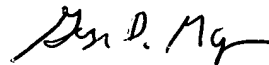
Latimer discloses a method and apparatus for washing an article and collecting the used wash water as well as a wash pad and a mobile apparatus. A wash truck is modified to include a water treatment unit and a submersible pump for removing used

wash water from a water-proof surface, such as a pavement or the wash pad. The used wash water is subsequently recycled and reused or disposed of without harm to the environment.

It is respectfully submitted that Latimer fails to make up for the deficiencies of Kurz, Shaffer and Pulliam. Accordingly, Kurz, Shaffer, Pulliam, and Latimer, either alone or in combination, would not have rendered obvious the subject matter of claim 5 and 14-15. Withdrawal of the rejection of claim 5 and 14-15 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,



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